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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,372	05/04/2001	Hideo Takiguchi	35.C15356	6793
5514	7590	01/04/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,372

Applicant(s)

TAKIGUCHI, HIDEO

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2174

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 8/12/04.

This action is final.

Claims 34-48 are pending in this application. Claims 34, and 45-48 are independent claims. In the Amendment, filed on 8/12/04, claims 1-33 were cancelled, and claims 34-48 were added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 36-40, and 44-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Ohba et al., U.S. Patent No. 5,459,830.

As per claim 34, Anderson teaches an image processing apparatus comprising:

a capturing unit adapted to capture a reduction image from a storage medium storing storage images, the reduction images respectively corresponding to the storage images (col. 5, lines 55-57 and col. 6, lines 67- col. 7, line 4);

a first display control unit adapted to cause a display device to display the reduction images captured by said capturing unit (fig. 13, item 852 and col. 12, lines 52-55);

Art Unit: 2174

a first selection indication unit adapted to select and indicate those reduction images which are to be subjected to a specific image process, from the reduction images displayed on the display device (col. 13, lines 1-5);

a second display control unit adapted to cause to sequentially display a larger size image for each of the reduction images indicated by said selection indication unit (fig. 13, item 854, and col. 12, lines 52-55);

an execution indication unit adapted to select and indicate which of the storage images are to be subjected to the specific image process, by selecting a corresponding larger size image sequentially displayed by said second display control unit (col. 12, lines 65-66 and column 13, 17-21);

However, Anderson fails to teach a specifying unit adapted to specify as a group, as a target of the specific image process, the storage images corresponding to the larger size images indicated by said execution indication unit, upon completion of the display by said second display control unit.

Ohba et al. teaches specifying unit adapted to specify as a group, as a target of the specific image process, the storage images corresponding to the larger size images indicated by said execution indication unit, upon completion of the display by said second display control unit. (col. 2, lines 60-col.3, lines 15)

It would have been obvious to an artisan at the time of the invention to include Ohba et al.'s teaching with Anderson's apparatus in order to allow user to arrange and indexing a group of images.

As per claim 36, Anderson and Ohba et al teach an image processing apparatus according to claim 34. Anderson further teaches wherein said second display control unit causes the display device to display any one of the images to be displayed. (col. 12, lines 65-66)

As per claim 37, Anderson and Ohba et al. teach an image processing apparatus according to claim 36. Anderson further teaches wherein said second display control unit causes the display device to further display an indication section for changing the image to be displayed on the display device. (fig 13)

As per claim 38, Anderson and Ohba et al. teach an image processing apparatus according to claim 34. Anderson further teaches wherein an application program corresponding to the specific image process automatically starts after the end of the display by said second display control unit (column 9, lines 46 – 63).

As per claim 39, Anderson and Ohba et al. teach an image processing apparatus according to claim 34. Anderson further teaches wherein said execution indication unit can select whether or not to execute plural kinds of image processes (col. 9, lines 15-45).

As per claim 40, Anderson and Ohba et al. teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a print process (col. 13, lines 20-21).

As per claim 44, Anderson and Ohba et al. teach an image processing apparatus according to claim 34. Anderson further teaches wherein the specific image process includes a transfer process of transferring the storage image to a desired storage area (col. 13, lines 20 – 21).

Art Unit: 2174

As per claim 45, Anderson and Ohba et al. teach an image processing apparatus according to claim 34. Anderson further teaches wherein the storage medium is included in a digital camera (col. 4, lines 43 – 45 and col. 6, lines 2 – 5).

As per claim 46, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 47, it is rejected with the same rationale as claim 34. (see rejection above)

As per claim 48, it is rejected with the same rationale as claim 34. (see rejection above)

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Ohba et al., U.S. Patent No. 5,459,830 further in view of Anderson2 et al., U.S. Patent no. 6,215,523.

As per claim 35, Anderson and Ohba teach an image processing apparatus according to claim 34. However they fail to teach wherein said second display control unit performs a slide show display, and wherein the storage image corresponding to each of the reduction images selected by said selection indication unit is displayed as the larger image.

Anderson2 et al. teaches second display control unit performs a slide show display, and wherein the storage image corresponding to each of the reduction images selected by said selection indication unit is displayed as the larger image (col. 7, lines 1-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Anderson2 with the method of Anderson and Ohba in order to allow a user to display images in a timely sequence.

Art Unit: 2174

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Ohba et al., U.S. Patent No. 5,459,830 further in view of Takakura et al., U.S. Patent no. 5,752,053.

As per claim 41, Anderson and Ohba et al. teach an image processing apparatus according to claim 40. However they fail to teach the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process.

Takakura et al. teaches the apparatus comprising an editing operation accepting unit adapted to accept a user's operation to edit arrangements of the images to be printed and print sizes thereof in the print process(see Takakura, column 2, lines 44 – 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Anderson and Ohba in order to allow a user to input an edit to arbitrary positions while observing a state of print binding.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al., U.S. Patent No. 6,680,749 in view of Ohba et al., U.S. Patent No. 5,459,830 further in view of Chui et al., U.S. Patent no. 6,657,702.

As per claim 42, Anderson and Ohba teach an image processing apparatus according to claim 34. However they fail to teach wherein the specific image process includes an electronic mail transmission process. Chui et al. ("Chui") teaches wherein an image processing is a mail transmission processing (see Chui, column 17, lines 25 – 32).). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Chui with

Art Unit: 2174

the method of Anderson and Ohba in order to allow the users to distribute images to recipients not located near the user.

As per claim 43, Anderson, Ohba, and Chui teach an image processing apparatus according to claim 42, further comprising an electronic mail formation control unit adapted to control to perform a new electronic mail formation process of attaching the image indicated to be transmitted as electronic mail, in the electronic mail transmission process. Chui teaches mail preparation control means for controlling said mail transmission processing in such a manner that a new mail preparation processing of attaching the image indicated to be mailed/transmitted is performed during the mail transmission processing (see Chui, column 17, lines 25 – 32). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Takakura with the method of Anderson in order to allow the users to automatically distribute images to recipients not located near the user.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2174

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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